IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NORTH CAROLINA CHARLOTTE DIVISION CIVIL ACTION NO. 3:09-CV-405-FDW-DCK

| DORIS J. REESE, |) |
|----------------------------------|-------------|
| Plaintiff, |) |
| v. |) ORDER |
| MICHAEL J. ASTRUE, |) |
| Commissioner of Social Security, |) |
| Defendant. |))) |

THIS MATTER IS BEFORE THE COURT *sua sponte* following the filing of "Defendant's Motion To Dismiss" (Document No. 8). Plaintiff has failed to file a response to the pending motion and the time to do so has lapsed. This matter has been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. §636(b), and is now ripe for review.

In accordance with the dictates of <u>Roseboro v. Garrison</u>, 528 F.2d 309 (4th Cir. 1975), the undersigned advises Plaintiff that she has the right to file a response in opposition to the pending motion. Any response filed by Plaintiff should be accompanied by a brief containing a concise statement of reasons for opposition and a citation to the authorities upon which she relies. Plaintiff has the burden of establishing that subject matter jurisdiction exists.

The undersigned, out of an abundance of consideration of the Plaintiff's status as a *pro se* litigant, and of her apparent confusion regarding the Court's expectations, will *sua sponte* allow Plaintiff a brief extension of time to file a proper response to "Defendant's Motion to Dismiss." Failure to file a timely and persuasive response may lead to the dismissal of Plaintiff's lawsuit.

IT IS, THEREFORE, ORDERED that Plaintiff will be allowed until on or before July 21,

2010, to file a response to "Defendant's Motion To Dismiss."

Signed: June 22, 2010

David C. Keesler

United States Magistrate Judge